



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

May 11, 2007

GENERAL LETTER NO. 1-E-17

ISSUED BY: Bureau of Policy Analysis and Appeals

SUBJECT: Employees' Manual, Title 1, Chapter E, ***APPEALS AND HEARINGS***,
Contents (page 1), revised; pages 12 and 27, revised; and 12a, new.

Summary

This chapter is revised to:

- ◆ Incorporate changes in the filing date for Medicaid appeals. Medicaid households may orally request an appeal to protect the filing date of the appeal. However, the oral request must be followed by a written appeal. The DHS Appeals Section will consider the oral request as the appellant's filing date for the appeal.

The office where the appeal is received must document the receipt date of all appeals, including the date the appeal was orally requested for Medicaid.

- ◆ Add that appeals may be expedited for managed care decisions when it can be determined that a member's life, health or ability to attain, maintain, or regain maximum function could be in jeopardy if the regular appeal process were to take place.

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title 1, Chapter E, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	October 10, 2005
12	January 26, 2007
27	October 28, 2005

Additional Information

Refer questions about this general letter to your service area manager.

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OPPORTUNITY FOR HEARING

Filing an Appeal

Revised May 11, 2007

Iowa Department of Human Services
Title 1 General Departmental Procedures
Chapter E Appeals and Hearings

The following sections give more information:

- ◆ [Procedures for filing an appeal.](#)
- ◆ [The Department's right to deny or dismiss an appeal.](#)
- ◆ [Time limits for granting an appeal hearing.](#)
- ◆ [Withdrawing an appeal request.](#)

Filing an Appeal

Legal reference: 441 IAC 7.8(2), 7 CFR 273.15(h)

Encourage the appellant to make a written appeal on form 470-0487 or 470-0487(S), *Appeal and Request for Hearing*. Provide any instructions or assistance required in completing the form. However, use of this form is not required. If the appellant submits the written appeal on another paper, attach it to the appeal form.

The fact that an appellant is unwilling to complete or sign the appeal form does not preclude the right to file an appeal, as long as the appeal is in writing and has been communicated to the Department by the appellant or appellant's representative.

Exception: Food Assistance households may verbally request an appeal. If a client verbally requests a Food Assistance appeal, complete the form on behalf of the client.

Medicaid households may orally request an appeal to protect the filing date of the appeal. However, the oral request must be followed by a written appeal. The DHS Appeals Section will consider the oral request as the appellant's filing date for the appeal.

The office where the appeal is received must document the receipt date of all appeals, including the date the appeal was orally requested for Medicaid. Document the filing date by saving the envelope with the postmark and date-stamping the date received at any Department office. Attach the envelope to the appeal form and submit it to the DHS Appeals Section **within 24 hours of receipt**.

A written appeal is considered filed on the date postmarked on the envelope that is sent to the Department. For Medicaid, the appeal is considered filed on the date the appeal was orally requested. When the postmarked envelope is not available, a written appeal is filed on the date the appeal is date-stamped received by the Department.

Registration and Acknowledgment of Appeal

Legal reference: 441 IAC 7.10(1) and (2)

Upon receipt of an appeal, the DHS Appeals Section registers the appeal and sends an acknowledgment of receipt of the appeal to the appellant, representative, and all parties to the appeal, including the appropriate Department offices.

Expedited Hearings

Legal reference: 7 CFR 273.15(i)(2), 42 CFR 438.408, 438.410, and 432.244

The DHS Appeals Section will expedite Food Assistance appeal requests from households that plan to move from the project area, such as migrant farm workers. Appeal requests from these households are processed faster than others to enable them to receive a decision and a restoration of benefits, if the decision so indicates, before they leave the area.

The local office is responsible for notifying the DHS Appeals Section that an expedited hearing is needed.

Appeals are also expedited for Emergency Assistance households. The intent of the Emergency Assistance program is to provide immediate financial assistance to eligible families who are facing an emergency that threatens the family's living arrangements. It is important that appeals received on this program be resolved as quickly as possible to determine whether the appellant is eligible for Emergency Assistance benefits.

Appeals may also be expedited for managed care decisions when it can be determined that a member's life, health or ability to attain, maintain, or regain maximum function could be in jeopardy if the regular appeals process were to take place. Either the appellant or a provider who is acting on the appellant's behalf may request an expedited hearing.

Group Hearings

Legal reference: 441 IAC 7.5(3), 7 CFR 273.15(e)

The DHS Appeals Section may respond to a series of individual requests for a hearing by requesting that the Department of Inspections and Appeals conduct a single group hearing in cases in which the sole issue is one of state or federal law or policy or changes in state or federal law. An appellant scheduled for a group hearing may withdraw and request an individual hearing.

In all group hearings, the policies governing individual hearings shall be followed. Each individual household shall be permitted to present its own case or have its case presented by a representative.